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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,101	09/07/2001	David Lahiri Bhatoolaul		9302

7590

06/22/2005

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EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/936,101

Applicant(s)

BHATOOLAUL ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chuah et al.** (US 6,587,672) in view of **Kallin** (US 5, 287, 545)

As to Claim 6, with respect to Figures 1 and 3-7, **Chuah** teaches a radio mobile telecommunications system comprises a base transceiver station arranged to manage a plurality of mobile systems within at least one telecommunications cell (Figure 1);

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the base transceiver station having means to provide an acquisition indication channel by which a first acknowledgement signal is sent to indicate that the strength of the preamble signals of increasing strength sent by a mobile system to the base transceiver station has reached a predetermined acceptable level (Figure 6A);

characterized in that said first acknowledgement signal is arranged to indicate in addition that the mobile system must not send a message signal but must send a further preamble at the same acceptable strength level (Figure 7 and Col. 8, lines 20-27); and

the base transceiver station having means to send a further acknowledgement signal in response to the further preamble indicating that the mobile system is permitted to send the message signal (Figure 8b, label 106);

**Chuah** does not teach the following limitation:

“since resources at said base transceiver station are currently unavailable to process said message signal”

However, it is obvious that **Chuah** suggests the limitation. This is because **Chuah** teaches that signal strengths must be acceptable before access requests are processed successfully and prevent interference and saturation (resources available) (Col. 4, lines 32-45). **Kallin** teaches sending directed retry signals to mobile stations when channel resources are not available and to avoid disruptive interference (Col. 3, lines 1-11, Col. 5, line 61 through Col. 6, line 5). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add directed retry signals to **Chuah**'s invention to send to mobile stations located near to the interior of a cell as taught by **Kallin**'s invention in order to provide the mobile stations with service when resources become available.

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As to Claim 7, with respect to Figures 1 and 3-7, **Chuah** teaches a method of operating a radio base transceiver station comprising:

receiving spaced preambles of increasing strength from a mobile station (Figure 8A);

sending a preamble acknowledgement signal on an acquisition indication channel when a preamble reaches an acceptable strength wherein the preamble acknowledgement signal further indicates that the mobile system is not permitted to send its message signal, but must send a further preamble at the same acceptable strength level (Figure 8C);

receiving said further preamble from the mobile station (Figure 7 and Col. 8, lines 20-27);

sending a preamble acknowledgement signal of a second type indicating that the mobile station is permitted to send its message signal (Figure 8B); and

receiving the message signal from the mobile station (Figure 7 and Col. 8, lines 20-27);

**Chuah** does not teach the following limitation:

“since resources at said base transceiver station are currently unavailable to process said message signal”

However, it is obvious that **Chuah** suggests the limitation. This is because **Chuah** teaches that signal strengths must be acceptable before access requests are processed successfully and prevent interference and saturation (resources available) (Col. 4, lines 32-45). **Kallin** teaches sending directed retry signals to mobile stations when channel resources are not available and to avoid disruptive interference (Col. 3, lines 1-11, Col. 5, line 61 through Col. 6, line 5). Having the cited analogous art at the time the invention was made, it would have been obvious to one of

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ordinary skill in the art to add directed retry signals to **Chuah's** invention to send to mobile stations located near to the interior of a cell as taught by **Kallin's** invention in order to provide the mobile stations with service when resources become available.

***Response to Arguments***

4. Applicant's arguments with respect to claims 6-7 have been considered but are moot in view of the new ground(s) of rejection.

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Lintulampi** (US 6,377,804) teaches providing services to mobile stations from a second network when resources are not available in a first network.

**Desgagne'** (US 6,081,713) teaches sending notification signals to mobile stations when resources become available.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 306-0377 (for customer service assistance)

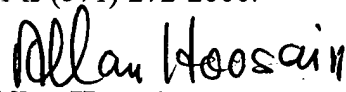
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Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

  
**Allan Hoosain**  
**Primary Examiner**  
**5/17/05**